



This document is scheduled to be published in the Federal Register on 12/23/2011 and available online at <http://federalregister.gov/a/2011-32875>, and on FDsys.gov

Billing Code 3410-DM-P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket Number FSIS-2011-0029]

RIN: 0583-AD40

2012 Rate Changes for the Basetime, Overtime, Holiday, and
Laboratory Services Rates

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing the 2012 rates that it will charge meat and poultry establishments, egg products plants, and importers and exporters for providing voluntary, overtime, and holiday inspection and identification, certification, and laboratory services. The 2012 basetime, overtime, holiday, and laboratory services rates will be applied on the first FSIS pay period at the beginning of the calendar year, January 1, 2012.

DATES: FSIS will charge the rates announced in this notice beginning January 1, 2012.

FOR FURTHER INFORMATION CONTACT: For further information contact Michael Toner, Director, Budget Division, Office of Management, FSIS, U.S. Department of Agriculture, Room 2159 South Building, 1400 Independence Avenue, SW, Washington, DC 20250-3700; telephone (202) 720-8700, fax (202) 690-4155.

SUPPLEMENTARY INFORMATION:

Background

On April 12, 2011, FSIS published a final rule amending its regulations to establish formulas for calculating the rates that it charges meat and poultry establishments, egg products plants, and importers and exporters for providing voluntary, overtime, and holiday inspection and identification, certification, and laboratory services (76 FR 20220).

In the final rule, FSIS stated that it would use the formulas to calculate the annual rates, publish the rates in Federal Register notices prior to the start of each calendar year, and apply the rates on the first FSIS pay period at the beginning of the calendar year.

This notice provides the 2012 rates, which will be applied starting on January 1, 2012.

2012 Rates and Calculations

The following table lists the 2012 Rates, per hour, per employee, by type of service:

Service	2012 Rate (estimates rounded to reflect billable quarters)
Basetime	\$ 54.24
Overtime	68.32
Holiday	82.40
Laboratory	67.36

FSIS determined the 2012 rates using the following calculations:

Basetime Rate = The quotient of dividing the Office of Field Operations (OFO) plus Office of International Affairs (OIA) inspection program personnel's previous fiscal year's regular direct pay by the previous fiscal year's regular hours, plus that quotient multiplied by the calendar year's percentage of cost of living increase, plus the benefits rate, plus the travel and operating rate, plus the overhead rate, plus the allowance for bad debt rate.

The calculation for the 2012 basetime rate per hour per program employee is:

[FY 2011 OFO and OIA Regular Direct Pay divided by the previous fiscal year's Regular Hours (\$462,961,483/16,749,338)] = \$27.64
+ (\$27.64 * 1.9% (calendar year 2011 Cost of Living Increase)) =
\$28.17 + \$8.63(benefits rate) + \$.75 (travel and operating rate)
+ \$16.68 (overhead rate) + \$.02 (bad debt allowance rate) =
\$54.24.

Overtime Rate = The quotient of dividing the Office of Field Operations (OFO) plus Office of International Affairs (OIA) inspection program personnel's previous fiscal year's regular direct pay by the previous fiscal year's regular hours, plus that quotient multiplied by the calendar year's percentage of cost of living increase, multiplied by 1.5, plus the benefits

rate, plus the travel and operating rate, plus the overhead rate, plus the allowance for bad debt rate.

The calculation for the 2012 overtime rate per hour per program employee is:

[FY 2011 OFO and OIA Regular Direct Pay divided by previous fiscal year's Regular Hours ($\$462,961,483/16,749,338$)] = $\$27.64$ + ($\$27.64 * 1.9\%$ (calendar year 2011 Cost of Living Increase)) = $\$28.17 * 1.5 = \$42.25 + \$8.63$ (benefits rate) + $\$.75$ (travel and operating rate) + $\$16.68$ (overhead rate) + $\$.02$ (bad debt allowance rate) = $\$68.32$.

Holiday Rate = The quotient of dividing the Office of Field Operations (OFO) plus Office of International Affairs (OIA) inspection program personnel's previous fiscal year's regular direct pay by the previous fiscal year's regular hours, plus that quotient multiplied by the calendar year's percentage of cost of living increase, multiplied by 2, plus the benefits rate, plus the travel and operating rate, plus the overhead rate, plus the allowance for bad debt rate.

The calculation for the 2012 holiday rate per hour per program employee calculation is:

[FY 2010 OFO and OIA Regular Direct Pay divided by Regular Hours ($\$462,961,483/16,749,338$)] = $\$27.64 + (\$27.64 * 1.9\%$ (calendar year 2011 Cost of Living Increase)) = $\$28.17 * 2 = \$56.33 + \$8.63$ (benefits rate) + $\$.75$ (travel and operating rate) + $\$16.68$

(overhead rate) + \$.02 (bad debt allowance rate) = \$82.41
(rounded to \$82.40).

Laboratory Services Rate = The quotient of dividing the Office of Public Health Science (OPHS) previous fiscal year's regular direct pay by the OPHS previous fiscal year's regular hours, plus the quotient multiplied by the calendar year's percentage cost of living increase, plus the benefits rate, plus the travel and operating rate, plus the overhead rate, plus the allowance for bad debt rate.

The calculation for the 2012 laboratory services rate per hour per program employee is:

[FY 2011 OPHS Regular Direct Pay/OPHS Regular hours
(\$23,425,344/578,026)] = \$40.53 + (\$40.53 * 1.9% (calendar year
2011 Cost of Living Increase)) = \$41.30 + \$8.63 (benefits rate)
+ \$.75 (travel and operating rate) + \$16.68 (overhead rate) +
\$.02 (bad debt allowance rate) = \$67.37 (rounded to \$67.36).

Calculations for the Benefits, Travel and Operating, Overhead,
and Allowance for Bad Debt Rates

These rates are components of the basetime, overtime,
holiday, and laboratory services rates formulas.

Benefits Rate: The quotient of dividing the previous fiscal
year's direct benefits costs by the previous fiscal year's total
hours (regular, overtime, and holiday), plus that quotient
multiplied by the calendar year's percentage cost of living

increase. Some examples of direct benefits are health insurance, retirement, life insurance, and Thrift Savings Plan basic and matching contributions.

The calculation for the 2012 benefits rate per hour per program employee is:

[FY 2011 Direct Benefits/ (Total Regular hours + Total Overtime hours + Total Holiday hours) (\$166,026,487/19,605,254)] = \$8.47 + (\$8.47 * 1.9% (calendar year 2012 Cost of Living Increase) = \$8.63.

Travel and Operating Rate: The quotient of dividing the previous fiscal year's total direct travel and operating costs by the previous fiscal year's total hours (regular, overtime, and holiday), plus that quotient multiplied by the calendar year's percentage of inflation.

The calculation for the 2012 travel and operating rate per hour per program employee is:

[FY 2011 Total Direct Travel and Operating Costs/ (Total Regular hours + Total Overtime hours + Total Holiday hours) (\$14,478,697/19,605,254)] = \$.74 + (\$.74 * 1.6% (2012 Inflation) = \$.75.

Overhead Rate: The quotient of dividing the previous fiscal year's indirect costs plus the previous fiscal year's information technology (IT) costs in the Public Health Data Communication Infrastructure System Fund plus the previous

fiscal year's Office of Management Program cost in the Reimbursable and Voluntary Funds plus the provision for the operating balance less any Greenbook costs (i.e., costs of USDA support services prorated to the service component for which fees are charged) that are not related to food inspection by the previous fiscal year's total hours (regular, overtime, and holiday) worked across all funds, plus that quotient multiplied by the calendar year's percentage of inflation.

The calculation for the 2012 overhead rate per hour per program employee is:

$$\begin{aligned} & [\text{FY 2011 Total Overhead} / (\text{Total Regular hours} + \text{Total Overtime} \\ & \text{hours} + \text{Total Holiday hours}) (\$321,859,390 / 19,605,254)] = \$16.42 \\ & + (\$16.42 * 1.6\% \text{ (2012 Inflation)}) = \$16.68. \end{aligned}$$

Allowance for Bad Debt Rate = Previous fiscal year's total allowance for bad debt (for example, debt owed that is not paid in full by plants and establishments that declare bankruptcy) divided by previous fiscal year's total hours (regular, overtime, and holiday) worked.

The 2012 calculation for bad debt rate per hour per program employee is:

$$[\text{FY 2011 Total Bad Debt} / (\text{Total Regular hours} + \text{Total Overtime hours} + \text{Total Holiday hours}) = (\$330,639 / 19,605,254)] = \$.02.$$

Additional Public Notification

FSIS will announce this document online through the FSIS Web page located at

http://www.fsis.usda.gov/regulations_&_policies/Federal_Register_Notices/index.asp.

FSIS will also make copies of this Federal Register publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, Federal Register notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at

http://www.fsis.usda.gov/News_&_Events/Email_Subscription/.

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Done at Washington, DC, on: December 19, 2011

Alfred V. Almanza,
Administrator

[FR Doc. 2011-32875 Filed 12/22/2011 at 8:45 am; Publication
Date: 12/23/2011]